having in his lifetime purchased a certain parcel of real estate situated on DeGrange Street in Frederick City in Frederick County, Maryland, as described in Exhibit No. 4, filed with the Bill in this case, both parcels of land descended to his title daughter, Helen Stull McLane, upon his death, February 11,1903, and upon her death, intestate, on October 17,1903, the same lands and premises descended to the persons above named, who are parties to this bill of complaint, and these several descendants of William McLane, the elder, now hold title to this real estate, subject to the dower interest therein of Georgianna Stull McLane, widow of Harry O. McLane, desceased, and also subject to the dower interest of Erma C. Wilcoxon in a small portion thereof, and cosequently the prayer of the bill of complaint that the real estate mentioned should be sold, and the proceeds divided amongst the parties interested according to their respective rights and interests, will be granted.

As to the prayer for an accounting by the defendant, Georgianna Stull McLane, and Georgiana Stull Mclane, executrix, it is to be said that she and her mother-in-law until June 1,1921 have been in rightful possession of the premises since the death of Harry 0. McLane in 1903, and of their own right they were entitled to one-third each of the use, benefit, rents and profits thereof, and as no claim or demand has ever been made upon them for any part of the remaining one-third, and as they have kept the premises in repair and paid the taxes thereon, as must be conceded, the prayer for an accounting will be denied.

I do not find much difficulty in deciding this case for the facts are admitted and the law in force at the time of the death of the intestates is very plain and clear. In my judgment the persons claimong to be the owners of the real estate mentioned are entitled thereto by virtue of Article 46, Section 7, title, "Inheritance" Code of Public General Laws of Maryland. The fact that the persons now claiming the property, or some of them, at one time deeded their interests in the property to their brother, Rufus A. Molane, cannot affect their rights at this time, for what they sold and conveyed now comes back to them by reason of the Law of Inheritance in force in this State at the time of the death of the several intestates whose names have been mentioned.

The case is unique in several respects and such a condition of affairs in regard to the title to real estate does not often arise, but I must deal with the facts as I find them. It is to be regretted, indeed, that the widow of Harry O.McLane and the mother of his only child, Helen Stull Molane, should not inherit his property and his child's property, and under the law as it now stands on the statute books she would be entitled to the same, but I must decide the case in accordance with the law in force at the time that the intestates died. A decree will be passed in accordance with the views herein expressed.

Of ocurse unless the widow consents to a sale of this property, the same will have to be sold, subject to her right of dower or thirds therein, in accordance with the law as it stood at the time of the death of her husband, Harry O. Molane.

Dated February 27, 1922 (Filed February 27, 1922) Glenn H. Worthington

(OBJECTION OF GEORGIANA STULL MOLANE)

Robert MoLane, et al.

vs.

Annie MoLane, et al.

No.10447 Equity.

In the Circuit Court for Frederick County, Maryland sitting as a Court of Equity.

To the Honorable, the Judges of said Couty; -

This Defendant, Annie McLane, claims her dower estate in the real estate in the proceedings mentioned, and does not consent to the passage of a Decree or Order of Court for the sale of said real estate, except subject to her right of Dower therein.

Jacob Rohrback Solicitor. Georgiana Stull McLane.
Defendant.

(Filed June 27, 1922)